

JUDGE HELLMUTH

22 CV 10716

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHRISTIAN DIOR COUTURE SA,

Plaintiff,

-against-

XIAOLE LIN, TIMI GIFT SHOP, INC., SHUN  
MIAO DING, GUO LIN HAN, XIAOWEI GAO,  
XINGYUN HU, MING LI, XIUQIAN CHI, and  
JOHN and JANE DOES 1-100,

Defendants.

Civil Case No. 22 cv 10716~~PROPOSED~~ EX PARTE TEMPORARY  
RESTRAINING ORDER; ORDER  
AUTHORIZING EX PARTE SEIZURE  
AND EXPEDITED DISCOVERY; AND  
ORDER TO SHOW CAUSE FOR A  
PRELIMINARY INJUNCTIONFILED UNDER SEAL


WHEREAS, the Court, having considered Plaintiff Christian Dior Couture SA's ("Plaintiff" or "Christian Dior") complaint, declarations of Audrey Nogier Farnan, Stephen G. Ward, and Robert M. Wasnofski, Jr., including the exhibits annexed thereto, and the accompanying memorandum of law, which have all been filed under seal in this action, filed in support for (1) an order granting an *ex parte* temporary restraining order pursuant to 15 U.S.C. § 1116 and Fed. R. Civ. P. 65(b), (2) an order authorizing an *ex parte* seizure pursuant to 15 U.S.C. § 1116(d); (3) an order granting leave for Plaintiff to take expedited discovery pursuant to Fed. R. Civ. P. 26(d); and (4) an order to show cause why a preliminary injunction should not issue pursuant to 15 U.S.C. § 1116, 15 U.S.C. § 1125(c)(1), N.Y. Gen. Bus. Law § 360-l, and Fed. R. Civ. P. 65(a), and good cause being shown therefor;


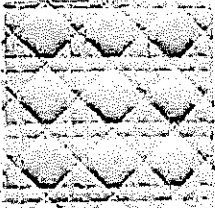
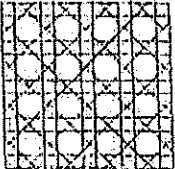
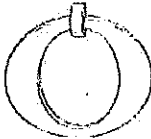
EX PARTE TEMPORARY RESTRAINING ORDER

IT IS HEREBY ORDER THAT, pending the above-referenced hearing, or such other date as may be fixed by the Court, Defendants Xiaole Lin, Timi Gift Shop, Inc., Shun Miao Ding, Guo Lin Han, Xiaowei Gao, Xingyun Hu, Ming Li, and John and Jane Does 1-100 (collectively, "Defendants"), their affiliates, subsidiaries, parents, and their respective officers, agents, servants,

attorneys, and employees, and all persons and entities in active concert or participation with them, are hereby immediately **TEMPORARILY RESTRAINED** from:

1. Using any of the following trademarks and/or any other marks comprised of or incorporating the following marks (collectively, the “Marks”) or any other Christian Dior trademarks, names, or designations in connection with the trafficking, manufacture, importation, exportation, advertising, marketing, promotion, distributing, offering for sale, and/or sales of any products:

<u>Reg. No.</u>	<u>Trademark</u>	<u>Goods/Services</u>
543994	CHRISTIAN DIOR	Class 18: handbags and pocketbooks; and belts made from leather for general use in connection with luggage
953916	CHRISTIAN DIOR	Class 18: wallets, pocket secretaries, billfolds and credit card cases
523754	CHRISTIAN DIOR	Classes 10, 25, 26: <i>inter alia</i> , coats, dresses, suits, jackets, vests, skirts, shawls and scarfs, pullovers and sweaters, jackets, capes, shoes, hats
1781434	CD	Class 18: <i>inter alia</i> , change purses; clutch bags; clutch purses; coin purses; handbags; pocketbooks; purses; shoulder bags; tote bags; wallets; straps for handbags Class 25: <i>inter alia</i> , clothing for use by men, women and children
1923564	Dior	Class 14: <i>inter alia</i> , jewelry Class 18: <i>inter alia</i> , carry-on bags; change purses; clutch bags; clutch purses; coin purses; drawstring pouches; handbags; key cases; overnight bags; purses; shoulder bags
2749176		Class 18: <i>inter alia</i> , change purses; clutch bags; handbags; luggage; overnight bags; pocketbooks; purses; satchels; school bags; shoulder bags; all-purpose sports bags; suitcases; toiletry cases sold empty; tote bags; travel bags; trunks for traveling
1848630	DIOR	Class 25: <i>inter alia</i> , clothing for use by men, women and children

4362717		Class 16: <i>inter alia</i> , printed matter
4389968		Class 18: <i>inter alia</i> , leatherware; handbags Class 25: <i>inter alia</i> , clothing
1776536		Class 18: <i>inter alia</i> , clutch bags; clutch purses; handbags; pocketbooks; purses; satchels; shoulder bags; tote bags; wallets Class 25: <i>inter alia</i> , clothing
2240163		Class 18: <i>inter alia</i> , satchels, clutch bags, purses, wallets

2. Committing any acts calculated to cause the public to believe that counterfeit or infringing versions of “Christian Dior” products (“Counterfeit Products”) are sold under the control or supervision of Christian Dior, when they are not;

3. Selling, passing off, inducing, or enabling others to sell or pass off any products as Christian Dior products or as products produced by or for Christian Dior, which are not genuine Christian Dior’s genuine goods, or are not sold under the control or supervision of Christian Dior;

4. Trafficking, manufacturing, importing, distributing, advertising, marketing, promoting, distributing, offering for sale, and/or selling Counterfeit Products, or any labels, stickers, tags, signs, prints, wrappers, packaging, literature, and all other materials bearing the

Marks or any other Christian Dior trademarks, and all plates, molds or other means for making the same, directly or indirectly;

5. Infringing any Marks or any other Christian Dior trademarks or trade name, or copying any product design, packaging, label or other material utilized by Christian Dior, in connection with the distribution, offer for sale, and/or sale of any product or service without prior authorization from Christian Dior;

6. Using any counterfeit, copy, reproduction, or colorable imitation of any of the Marks in connection with the promotion, advertising, or sale of any products;

7. Making or using in connection with the sale of any goods, a false description or representation including words or other symbols that falsely describe or represent, expressly or impliedly, such goods as Christian Dior goods and from offering such goods in commerce;

8. Diluting any of the Marks or any other Christian Dior trademarks;

9. Destroying and/or failing to preserve any Counterfeit Products or records related to the trafficking, manufacturing, importing, distributing, advertising, marketing, promoting, distributing, offering for sale, and/or sale of any products purporting to be Christian Dior products or other products using any of the Marks and/or any other Christian Dior trademarks;

10. Aiding or abetting any other person or entity engaging in or performing any of the acts referred to in paragraphs 1 through 9 above;

11. Interfering with any federal, state, or local law enforcement officer(s) who execute this *ex parte* seizure order, and/or any representative, agent, or designee of Christian Dior (including, but not limited to, individuals trained to detect counterfeit Christian Dior products, quality control personnel, supply chain personnel, and/or forensics experts) who may assist such law enforcement officer(s) in executing the provisions of the *ex parte* seizure order.

**IT IS FURTHER ORDERED THAT**, in accordance with Rule 65 of the Federal Rules of Civil Procedure, 15 U.S.C. § 1116(a), and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, Defendants, their officers, directors, owners, agents, employees, representatives, successors or assigns, and all persons acting in concert or in participation with any of them, or receiving actual notice of this Order by personal service or otherwise, are temporarily restrained and enjoined from transferring, withdrawing, or disposing of any money or other asset into or out of accounts held by, associated with, or utilized by the Defendants.

**IT IS FURTHER ORDERED THAT**, any banks, savings and loans associations, payment processors or other financial institutions for the Defendants, receiving actual notice of this Order by personal service or otherwise, shall immediately locate all accounts held by or connected with Defendants, and any such accounts shall be temporarily restrained and enjoined from transferring or disposing of any assets in those accounts until further ordered by this Court.

**IT IS FURTHER ORDERED** that upon two (2) business days' written notice to the Court and Christian Dior's counsel, any Defendant or affected third party may, upon proper showing, appear and move for dissolution or modification of the provisions of this Order.

**ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION**

IT IS on this 4<sup>th</sup> day of December, 2022, <sup>Tax. 2023</sup> ORDERED that Defendants appear and show cause before the Honorable Arink. Hellerstein, United States District Judge, Courtroom 14D of the United States District Court for the Southern District of New York, located at 500 Pearl St. New York, NY, at 4 o'clock or as soon thereafter as counsel can be heard, on the 18 day of Jan., 2023, and show cause why a preliminary injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure, should not be

issued enjoining them, their agents, servants, employees, officers, and all other persons and entities in active concert or participation with them, pending the final hearing and determination of this action, from:

1. Committing any acts calculated to cause the public to believe that any Christian Dior-branded products are sold under the control or supervision of Christian Dior, when they are not;

2. Selling, passing off, inducing, or enabling others to sell or pass off any products as Christian Dior products or as produced by or for Christian Dior, which are not genuine Christian Dior's goods, or are not sold under the control or supervision of Christian Dior;

3. Trafficking, manufacturing, importing, distributing, advertising, marketing, promoting, offering for sale, and/or selling Counterfeit Products, or any labels, stickers, tags, signs, prints, wrappers, packaging, literature, and all other materials bearing the Marks or any other Christian Dior trademarks, and all plates, molds or other means for making the same, directly or indirectly;

4. Infringing any Marks or any other Christian Dior trademarks or trade name, or copying any product design, packaging, label, or other material utilized by Christian Dior, in connection with the distribution, offer for sale, and/or sale of any product or service without prior authorization from Christian Dior;

5. Using any counterfeit, copy, reproduction, or colorable imitation of any of the Marks or any other Christian Dior trademarks or trade name in connection with the promotion, advertising, or sale of any products;

6. Making or using in connection with the sale of any goods, a false description or representation including words or other symbols that falsely describe or represent, expressly or impliedly, such goods as Christian Dior goods and from offering such goods in commerce;

7. Diluting any of the Marks or any other Christian Dior trademarks;

8. Destroying and/or failing to preserve any Counterfeit Products or records related to the trafficking, manufacturing, importing, distributing, advertising, marketing, promoting, distributing, offering for sale, and/or sale of any products purporting to be Christian Dior products or other products using any of the Marks and/or any other Christian Dior trademarks;

9. Aiding or abetting any other person or entity engaging in or performing any of the acts referred to in paragraphs 1 through 8 above.

**ORDER GRANTING EX PARTE SEIZURE PURSUANT TO 15 U.S.C. § 1116(d)**

**IT IS FURTHER ORDERED THAT**, pursuant to 15 U.S.C. § 1116(d), the New York City Police Department (“NYPD”) or the U.S. Marshals Service or one or more of their deputies (or local or federal law enforcement officers having jurisdiction), in either case assisted by one or more attorneys, private investigators, employees, computer forensics experts, or agents of Christian Dior, are directed and permitted to search, seize, copy, and sequester at any time, but no later than ten (10) days from the date of this Order, the following items in the possession, custody, or control of Defendants at or near the below-identified locations:

1. All Counterfeit Products;

2. All products identified as Christian Dior products, in order to allow Plaintiff to distinguish Counterfeit Products from genuine products (if any);

3. The means for making and/or packaging the Counterfeit Products;

4. All documents, records, invoices, correspondence, emails, text, chats, or other electronic messages, security camera and/or other footage, voicemails, telephone and address directories, bank records, computers, mobile phones and other mobile devices, disks, or other electronic storage media, servers, checks, wire transfers, books of account, receipts, or other documentation relating or referring in any manner to the trafficking, manufacturing, importing, distributing, advertising, marketing, promoting, offering for sale, and/or sale of any Counterfeit Products and/or genuine Christian Dior products (if any), whether such information is stored in a written or electronic form; and

5. The containers or vehicles in which the same are held or transported.

The seizure shall be from the following persons or entities during the hours of 8:00 a.m. to 8:00 p.m.:

1. Defendants Xiaole Lin, Shun Miao Ding, Guo Lin Han a/k/a Guolin Huang a/k/a Guo Long Huang, Xiaowei Gao, Xingyun Hu, Ming Li, and John and Jane Does
  - a. Outside, around, or in the vicinity of 120 Lafayette Street, New York, New York 10013, including vehicles bearing New York license plate numbers GYW 2918, HCA 6523, DSY 8799, GYW 2956, DGD 2539, and GZZ 4633
2. Defendants Timi Gift Shop Inc. and John and Jane Does
  - a. 120 Lafayette Street, Unit E, New York, New York 10013 and adjoining premises
3. Defendants Xiuqian Chi and John and Jane Does
  - a. Around or in the vicinity of Howard Street between Broadway and Lafayette Street



In addition to the Initial Seizure Locations, seizures may occur at all locations within any judicial district in which Counterfeit Products or other Christian Dior products (if any) are trafficked, manufactured, imported, distributed, transported, advertised, marketed, promoted, offered for sale, sold, or stored, including but not limited to the address(es) set out above, and any other office, warehouse, house, apartment, truck, van, car, storage facility, or other location in the possession, custody or control of any Defendants.

**IT IS FURTHER ORDERED THAT** all electronic data, including, but not limited to, emails, chats, texts, phone records, security camera and/or other footage, invoices, receipts, bills of lading, and accounting software shall be preserved, pending further Order of this Court.

**IT IS FURTHER ORDERED THAT** all such seized items, materials, products, and records shall be delivered to Christian Dior's attorneys or private investigators or agents, and that Christian Dior's attorneys or private investigators or agents shall act as substitute custodians for the Court, subject to the sealing condition ordered herein, and an inventory of the items, materials, products, and records shall be provided to the NYPD or U.S. Marshals Service (or other law enforcement officers) and shall be filed with the Court by Christian Dior's attorneys, pending further Order of this Court.

**IT IS FURTHER ORDERED THAT** Christian Dior, on whose behalf the Court issues this Order, will act as substitute custodian of any and all items, materials, products, and records seized/secured pursuant to this Order and shall indemnify and hold harmless the NYPD or U.S. Marshals Service (or other law enforcement agencies and their employees) from any and all claims, asserted in any Court or other tribunal, arising from any acts, incidents, or occurrences in connection with the seizure and possession of Defendants' property, including any third party.

**IT IS FURTHER ORDERED THAT**, to the extent necessary to effect the seizure and sequestration ordered herein, the NYPD or U.S. Marshals Service (or other law enforcement agencies and their employees) may use such force as may be reasonably necessary, including breaking any locks, to enter the premises of, or vehicle of, or facility in the possession, custody, or control of Defendants, and to inspect, copy and record the contents of any rooms, closets, cabinets, vehicles, containers, desks, desktop computers, laptops, mobile phones and other mobile devices, security and/or other cameras, documents and/or any other notes stored in written or electronic form, recordings, or other records located at or in the vicinity of the above-identified locations.

**IT IS FURTHER ORDERED THAT** anyone interfering with the execution of this ORDER is subject to arrest by law enforcement officers.

**IT IS FURTHER ORDERED THAT** Christian Dior's attorneys, private investigators, forensics experts, and/or employees or agents may accompany and assist the NYPD or U.S. Marshals Service (or other law enforcement agencies and their employees) in the seizure authorized herein and in determining whether an item, material, product, or record is covered by the preceding paragraphs, and that the NYPD or U.S. Marshals Service (or other law enforcement agencies and their employees) shall follow such attorneys, private investigators, forensics experts, and/or employees or agents' determination.

~~**IT IS FURTHER ORDERED THAT**, during the seizure authorized herein, each person present who is a Defendant, or employed or affiliated with Defendants, shall, upon request by a law enforcement officer, provide a driver's license or other form of identification.~~

~~**IT IS FURTHER ORDERED THAT**, during the seizure authorized herein, each person present who is a Defendant, or employed or affiliated with Defendants, shall, upon request by a~~

~~law enforcement officer or one or more attorneys, private investigators, forensics experts, employees or agents of Christian Dior assisting in the seizure, provide passwords, access codes, and any other log-in information for all electronic devices and files, including without limitation computers, tablets, and mobile phones.~~ *AKH*

*AKH*  
*assist to*  
**IT IS FURTHER ORDERED THAT**, during the seizure authorized herein, each person present who is a Defendant, or employed or affiliated with Defendants, shall, upon request by a law enforcement officer ~~or one or more attorneys, private investigators, forensics experts, employees, or agents of Christian Dior assisting in the seizure, provide assistance to identify and~~ locate relevant documents and information concerning the location, the trafficking, manufacturing, importing, distributing, advertising, marketing, promoting, offering for sale, and/or sale of any Counterfeit Products.

**IT IS FURTHER ORDERED THAT** law enforcement or Christian Dior's attorneys, private investigators, computer technicians, forensics experts, employees, or agents of Christian Dior may record the seizure with still cameras or video cameras.

*AKH*  
**IT IS FURTHER ORDERED THAT** Christian Dior's representatives shall promptly inspect the items, materials, products, and records seized, and if any items, materials, products, and records are found to be outside the scope of this Order such items are to be returned to Defendants within fifteen *13* days of the date the seizure is conducted.

*AKH*  
~~**IT IS FURTHER ORDERED THAT** Defendants are hereby put on notice that failure to attend the show cause hearing scheduled herein shall result in the confirmation of the seizure authorized herein and the immediate issuance of a preliminary injunction, which shall be deemed to take effect immediately and shall extend during the pendency of this action. Defendants are hereby further notified that they shall be deemed to have actual notice of the issuance and terms~~

~~of such preliminary injunction, and that any act by them in violation of any of its terms may be considered and prosecuted as contempt of this Court.~~

This Court has granted the foregoing Seizure Order without prior written or oral notice to Defendants because specific facts have been put forth to show that:

1. The entry of any order other than this *Ex Parte* Temporary Restraining Order, *Ex Parte* Seizure Order, and the related relief included in this Order will not serve to adequately achieve the purposes of 15 U.S.C. § 1114;
2. Christian Dior has not publicized its seizure request;
3. Christian Dior is likely to succeed in showing that Defendants against whom seizure is ordered have used infringing and/or counterfeit marks in connection with the unauthorized trafficking, manufacturing, importing, distributing, advertising, marketing, promoting, offering for sale, and/or sale of goods;
4. Christian Dior is likely to suffer and continue to suffer immediate and irreparable injury absent an *Ex Parte* Temporary Restraining Order, *Ex Parte* Seizure Order, and the related relief included in this Order;
5. The products and things ordered to be seized in this Order will be located at the places identified in this Order;
6. Any harm from this *Ex Parte* Temporary Restraining Order, *Ex Parte* Seizure Order, and the related relief included in this Order to the legitimate interests of Defendants is outweighed by the harm to Christian Dior and the public of not granting this this *Ex Parte* Temporary Restraining Order, *Ex Parte* Seizure Order, and the related relief included in this Order;
7. Absent this *Ex Parte* Temporary Restraining Order, *Ex Parte* Seizure Order, and the related relief included in this Order, Defendants or those acting in concert with them, would

likely move, hide, destroy, or otherwise make inaccessible to the Court the products and things which are subject to the proposed seizure order if Christian Dior is required to proceed on notice;

8. Christian Dior has timely and properly notified the United States Attorney for the Southern District of New York of its application for an *ex parte* seizure order pursuant to 15 U.S.C. § 1116(d)(2); and

9. No prior application for the relief sought herein has been made to this or any other court.

**SERVICE, OPPOSITION, AND REPLY PAPERS REGARDING PLAINTIFF'S  
REQUEST FOR A PRELIMINARY INJUNCTION**

**IT IS FURTHER HEREBY ORDERED** that service or deliver of the copies of the Summons and Complaint and of this Order, together with the papers in support thereof, shall be served at the time of the seizure by delivering true copies thereof to any person of suitable age found at the above-referenced locations and that such service be deemed good and sufficient service on Defendants. For any Defendant not served at the time of the seizure, service shall be deemed good and sufficient if made personally, or made upon a person over the age of 18 apparently in charge of a Defendant's business premises, or upon counsel, should counsel appear for a Defendant in this action, or by any other means authorized by the Federal Rules of Civil Procedure, no later than Jan. 10, 2023.

**IT IS FURTHER HEREBY ORDERED** that answering papers by Defendants, if any, shall be filed no later than noon, JAN 16, 2023 and be served personally or by overnight delivery or by e mail upon the attorneys for Christian Dior to be received on or before said date and time a.m./p.m. on Jan. 17, 2023, and a courtesy copy shall be delivered to the Court's Chambers at the same time. Any reply papers by Christian Dior shall be filed on or before 5:00 a.m./p.m. on Jan. 17, 2023, and a courtesy copy shall be delivered to the Court's Chambers at the same time. Defendants

are hereby on notice that failure to appear at the show cause hearing may result in the summary imposition of a preliminary injunction against them pursuant to Fed. R. Civ. P. 65.

**EXPEDITED DISCOVERY**

**IT IS FURTHER ORDERED THAT**, pursuant to Rules 26, 30, 33, and 34 of the Federal Rules of Civil Procedure, Christian Dior shall be entitled to conduct expedited discovery from all Defendants as follows:

1. Christian Dior may serve requests for the production of documents and interrogatories pursuant to Rules 26, 33, and 34 of Federal Rules of Civil Procedure, and Defendants who are served with this Order and the requests for the production of documents shall produce all documents responsive to such requests within fourteen (14) days of service to Christian Dior's counsel. Service of such discovery requests and interrogatories on Defendants shall be deemed good and sufficient if made personally, or if made upon a person over the age of 18 apparently in charge of a Defendant's business premises, or upon counsel, should counsel appear for a Defendant in this action. Service of such discovery requests and interrogatories on Defendants may also be made by first-class mail, in which case the Defendant shall have fourteen (14) days from the date of mailing to respond to the discovery requests; and

2. All Defendants shall additionally appear for their deposition or provide witnesses for deposition, as appropriate, pursuant to Rule 30 of the Federal Rules of Civil Procedure, not later than seven (7) days after Christian Dior serves them with notices of deposition for such witnesses' testimony. Service of such deposition notices on Defendants shall be deemed good and sufficient if made personally, or if made upon a person over the age of 18 apparently in charge of a Defendant's business premises, or upon counsel, should counsel appear for a Defendant in this action. Service on Defendants may also be made by first-class mail, in which case the Defendants

shall have seven (7) days from the date of mailing to appear for deposition as called for by the deposition notice(s).

**IT IS FURTHER ORDERED THAT**, pending the final disposition of all claims in this action, all Defendants shall preserve all documents, electronically-stored information, and/or tangible things that may be relevant to the subject matter of, or reasonably calculated to lead to the discovery of admissible evidence in, this action or any of the claims asserted herein and maintain them in an accessible form and place.

**BOND**

**IT IS FURTHER ORDERED THAT** a bond or undertaking in the amount of ~~\$5,000~~ <sup>\$50,000</sup> be posted with the Clerk of Court by Christian Dior on or before ~~December~~ <sup>Jan. 6, 2023 noon</sup>, 2022, to provide security for the payment of such costs and damages as may be incurred or suffered by any party as a result of a wrongful seizure or wrongfully attempted seizure and such bond or undertaking, ~~in the form of a check or cash, shall be held in an interest-bearing account~~ <sup>implementation of this order on any part thereof</sup>

**DOCUMENTS FILED UNDER SEAL**

**IT IS FURTHER ORDERED THAT**, pending the hearing <sup>of this motion</sup> on Christian Dior's motion to ~~confirm the seizure authorized herein~~ <sup>or serve on all defendants</sup>, the Clerk of this Court is to keep and maintain under seal all papers filed herein, including this Order, the Complaint, and the declarations, memorandum of law, and documents filed in support of Christian Dior's application, ~~and that public scrutiny of such papers shall not be permitted, subject to Defendants' right to access such papers upon presenting the Clerk of this Court with proper identification after the seizure authorized herein has been carried out.~~

SO ORDERED, this day of ~~December~~ <sup>January</sup>, 2023

*[Signature]*  
United States District Court Judge